



DAC 174

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Stewart : Group Art Unit: 2626  
Serial No: 09/973,453 : Examiner: James S. Wozniak  
Filed: 10/09/2001 : Attorney Docket: 177-043  
For: Method For Establishing : John de la Rosa  
Fixation Employing : 375 Upper Mountain Ave  
Speech Recognition : Montclair, NJ 07043  
: (973) 233-0420

PETITION TO WITHDRAW THE HOLDING OF  
ABANDONMENT AND ACCEPTANCE OF ISSUE FEE PAYMENT

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests that the "Notice of Abandonment" dated September 5, 2006 be withdrawn for failure to timely pay the required fee and publication fee due June 30, 2006.

Applicant respectfully submits that the Issue Fee Transmittal (Form PTOL-85) along with Credit Card Payment Form (PTOL-2038) was timely submitted via facsimile (571.272.2885) on May 18, 2006 under the provisions of 37.CFR 1.10. Ostensibly, the Issue Fee

FIRST CLASS MAIL CERTIFICATION

I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as first class mail addressed to Mail Stop Petitions, Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 on September 11, 2006.

John G. de la Rosa (Reg. No. 34,317)

(Type or print name of person mailing paper or fee)

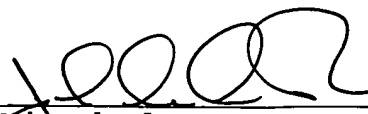
Signature of person mailing paper or fee)

facsimile transmission consisting of three pages (Cover sheet, Issue Fee Transmittal and Credit Card Payment Form) was inadvertently misplaced at the Patent and Trademark Office. A copy of the Issue Fee facsimile transmission (Exhibit A) from the undersigned attorney's computer records is enclosed bearing the transmission date legend of May 18, 2006. Also, a copy of the undersigned attorney facsimile transmission records (Exhibit B) indicate that all three pages of the Issue Fee facsimile transmission were successfully transmitted to the United States Patent and Trademark Office On May 18, 2006. Also, the Certificate of Mailing or Transmission signed by applicant's attorney of record further constitutes evidence that the facsimile transmission was completed on May 18, 2006.

A declaration in support of this petition from the undersigned attorney of record is enclosed. A copy of the original Issue Fee facsimile transmission (Exhibit C) is also enclosed. Inasmuch as the issue fee was properly submitted under the provisions of 37 CFR 1.10 and evidence thereof is provided, applicant respectfully requests that Patent Office withdraw the Notice of Abandonment and accept payment of the issue fee as provided for in the Issue Fee facsimile transmission.

Respectfully Submitted  
Attorney For Applicant

Date: September 11, 2006



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